

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES L. EWING,

Petitioner,

v.

CASE NO. 2:12-CV-00620

CRIM. NO. 2:93-CR-00101

JUDGE SMITH

MAGISTRATE JUDGE ABEL

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

On February 4, 2013, the Magistrate Judge issued a *Report and Recommendation* recommending that the government's motion to transfer this case to the United States Court of Appeals for the Sixth Circuit as a successive petition, Doc. No. 77, be **GRANTED**. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation* and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Respondent's motion to transfer (Doc. No. 77) this action to the United States Court of Appeals for the Sixth Circuit is **GRANTED**. This action hereby is **TRANSFERRED** to the Sixth Circuit for authorization for filing as a successive petition.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH

United States District Judge